

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

June 3, 2002

RESPONSIBLE STAFF:

Fred Felton
Jennifer Russel

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
X	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Held	
Record Held Open	
Policy Discussion	

TITLE:

Amortization of Non-Conforming Signs-Draft Sign Ordinance;
Response to Request to Add Additional Signage for Automobile
Dealerships In Pending Sign Ordinance Draft

SUPPORTING BACKGROUND:

During the Frederick Avenue Corridor charrette, certain modifications to the sign ordinance were proposed. Subsequently, the Mayor and City Council appointed a committee to review the sign ordinance and propose amendments. This committee met regularly from January 2000 to July 2000.

The committee presented their report on July 31, 2000. Subsequent work sessions were held on January 22, 2001, April 9, 2001, and March 29, 2001. During the course of the work sessions, general concurrence was reached on most of the issues; however, no consensus was reached on the issue of how to deal with non-conforming signs.

Pursuant to the attached memorandum dated February 27, 2002, staff is recommending creating four categories of non-conforming signs with different triggers to require conformance to the new ordinance. As an alternative, the Mayor and City Council could simply adopt the new ordinance and allow the existing signs to remain as legal non-conforming signs; however, it would take much longer to achieve the desired aesthetic result.

The Sign Ordinance Committee did not recommend any changes in the sign restrictions for automotive dealerships because the issue has been so controversial in the past. Gas stations and Olde Towne signage were also not treated in this proposal. Subsequent to the work sessions on the sign ordinance, the City received a request from Fitzgerald Automotive Group to allow additional signage for automotive dealerships that sell more than one brand of cars. For your review, I have attached two letters from William Kominers that outlines their request.

A public hearing has not been held on the proposed sign ordinance. Staff would like to receive preliminary guidance on these issues prior to revising the draft ordinance and scheduling a public hearing. Staff would like to proceed in the near future since we have been using voluntary compliance with the proposed guidelines for quite some time.

DESIRED OUTCOME:

Discuss issue, and provide guidance to staff.

MEMORANDUM TO: Mayor and City Council

VIA: David B. Humpton, City Manager *DBH*
Frederick J. Felton, Assistant City Manager *FJF*

FROM: Jennifer Russel, Director *JR*
Planning and Code Administration

DATE: February 27, 2002

SUBJECT: Sign Ordinance

The City's Sign Ordinance revision has been languishing. Although considerable time was spent during 2001 on the revision effort, for a variety of reasons, the revamped sign ordinance proposal never came to public hearing. The prevailing concern was how to deal with amortization of existing non-conforming signs. At last count (April 2001), there were 72 non-conforming freestanding signs related to the draft sign ordinance under consideration. We need to move ahead with a sign ordinance revision because requests for sign permits do come in fairly frequently and our efforts at "voluntary compliance" with the proposed ordinance are becoming increasingly difficult.

Staff proposes that objective criteria be developed to deal with the variety of non-conforming signs. This could (and should) be accomplished without focusing on which signs are impacted by the criteria. In this fashion, it will appear subjective and not impinge on the validity of the sign ordinance. We would, of course, rely on the City Attorney to draft language into the draft ordinance to implement this type of tiered amortization approach, but staff wanted to test it on you first.

- Group A---Monument signs that are 15' in height or less, or signs supported by two poles and are 15' in height or less. These signs are grandfathered as non-conforming until they are structurally altered (42 of the 72 non-conforming freestanding signs).
- Group B---Single pole signs between 12'-15' in height would have to be altered to conform or be removed within the seven-year period, as recommended by the Sign Committee. If they are completely re-faced they would have to be altered to conform to the new ordinance (approximately 20 of the 72 non-conforming signs).
- Group C---Signs over 15' in height that do not conform to the **existing** sign ordinance and have persisted over the last 18 years since the ordinance was adopted would have to be altered to conform to the new ordinance or be removed within 3 years (10 of the 72 non-conforming signs).
- Group D---Any existing internally illuminated box sign that has a white background would be permitted to remain until it is re-faced and a new permit for same is required, at which time it must conform to the new ordinance.

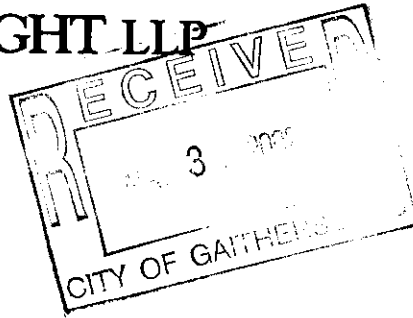
In addition to guidance on the above, staff is seeking guidance on the attached request received from Bill Kominers relative to automobile dealership signs. Please note that the draft ordinance previously under consideration did not address Olde Towne or car dealerships. Staff will be seeking your guidance on these sign-related matters at your March 18, 2002 meeting.

Law Offices

HOLLAND & KNIGHT LLP

3 Bethesda Metro Center
Suite 800
Bethesda, Maryland 20814-6301

301-654-7800
FAX 301-656-3978
www.hklaw.com



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May 30, 2002

WILLIAM KOMINERS
301-215-6610

Internet Address:
wkominers@hklaw.com

VIA HAND DELIVERY

The Honorable Sidney Katz, and
Members of the Gaithersburg City Council
Gaithersburg City Hall
31 S. Summit Avenue
Gaithersburg, Maryland 20877

Re: Comprehensive Review of Gaithersburg Sign Ordinance – Addition
for Multiple Brand Automobile Dealerships

Dear Mayor Katz and Members of the Council:

The purpose of this letter is to provide you with a duplicate of my letter of January 25, 2002, regarding an addition to the text amendment for the comprehensive revision to the City Sign Ordinance which will be discussed on June 3, 2002. The June 3 meeting is to establish the content of the draft that is to proceed to public hearing.

The January 25 letter arose from discussions with the City about the appropriate amount of signage for automobile dealerships that have multiple automobile "brands" at a single location. At present, the Sign Ordinance makes no distinction between a site with a single brand and one with multiple brands. The multiple brand sites thus get penalized in terms in the amount of signage, having to share the same signage quantity among several brands. The enclosed letter contains draft text for a more equitable approach to multiple brand sites, while maintaining overall aesthetics. The text also seeks to address when there are significant topographical differences between street elevation and the elevation of a dealership sign, so as to assure that the sign is effective in informing the public.

The Honorable Sidney Katz and
Members of the City Council
May 30, 2002
Page 2

A suggestion in our January 25, 2002 letter, was to include this draft text as part of the comprehensive Sign Ordinance revision text amendment that will be presented for public hearing. We believe this new language should be included in that draft, so that this issue can be fully discussed as a part of the public review process.

In looking again at our previous letter, please note that the proposed text to be included in the Sign Ordinance text amendment is attached as Exhibit "1" to the letter. The second exhibit, Exhibit "2", is a listing of examples of what are considered by the industry as individual "brands" that would be represented by "multiple brands" at a single dealership.

Thank you for your consideration of this matter. We would look forward to discussing this proposal at the public hearing.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "William Kominers", written in a cursive style.

William Kominers

Enclosure

cc: Mr. Jack Fitzgerald
Mr. Fred Felton

bsa1 #19328 v1

Law Offices

HOLLAND & KNIGHT LLP

3 Bethesda Metro Center
Suite 800
Bethesda, Maryland 20814-6301

301-654-7800
FAX 301-656-3978
www.hklaw.com

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January 25, 2002

WILLIAM KOMINERS
301-215-6610

Internet Address:
wkominers@hklaw.com

The Honorable Sidney Katz
Mayor, City of Gaithersburg
Gaithersburg City Hall
31 S. Summit Avenue
Gaithersburg, Maryland 20877

Re: Amendment to the City Sign Ordinance -- Automobile Dealerships

Dear Mayor Katz:

The purpose of this letter is to transmit to you a proposed revision to the Sign Ordinance for automobile dealership signs. This proposal would apply to those situations where a dealership sells and services multiple "brands" of new automobiles and trucks. The proposed new text is attached as Exhibit "1."

There is an important public need and benefit to have consumers able to locate the dealer of a particular brand of automobiles. Consumers need to find this location for repairs and other service, as well as, to purchase vehicles. Consumers need to locate the dealership which can provide factory product support for the vehicles. The main method for this identification is through signs, and an ability to see and distinguish the signs.

The City Sign Ordinance presently disadvantages those dealerships which have been successful in persuading manufacturers to allow multiple brands at a single site. This occurs at the same time that consumers benefit from having multiple dealerships at a single location. This need calls for a sufficient quantity of signs so that all the brands sold and serviced at the site can be identified. Further, to make signs attractive, aesthetic enhancements should not count against the message area. Sign message area necessarily decreases as the number of brands

The Honorable Sidney Katz
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Page 2

that are advertised on a dealerships sign increases. However, the co-location of brands on a single site benefits the public by reducing travel between different dealerships and by reducing overall sign quantity. This letter suggests different treatment for signs at such multiple brand locations.

Automobile manufacturers are national organizations that have spent millions of dollars on methods to identify their businesses, and to distinguish themselves from other companies. As a result, each has very strict guidelines with regard to the signs required by authorized dealerships. In most instances, manufacturers themselves have standard sign designs which identify their brands, which are then made available to dealers, and which must be used by those dealers. These sign designs are standardized by the manufacturers across the country, so that consumers at any location will be able to identify and patronize the appropriate brand.

For most manufacturers, an individual dealer has a sign for only one brand, i.e., Toyota, Honda, Hyundai, Mazda, and Nissan, etc. In such instances, that dealer would have a single brand sign for each brand. For some manufacturers, GM, Ford, and Chrysler, several brand signs may be combined into a single sign. Examples are Chrysler/Jeep, Lincoln/Mercury and Buick/ Pontiac/GMC. Chrysler makes both separate signs for Chrysler and for Jeep and a combined sign for Chrysler/Jeep. GM does the same for its brands, as does Ford. When brands sold by the same manufacturer are combined on the same site, such as Chrysler/Jeep, the manufacturer produces a single sign combining the trade names and trade marks of its brands that are easily recognizable by consumers. When a manufacturer makes a sign combining brands, these brands should count as one brand for purposes of this ordinance. For example, two Fitzgerald franchises, Montrose Jeep and Lakeforest Chrysler, each had a sign identifying the brand sold and serviced by the dealership. With the consolidation of these two dealerships at the Lakeforest site, these two brands have been combined into one sign (now one brand under this ordinance). However, the sign is too small because it had to join four other brand's signs made by four different manufacturers, each with its own brand sign, which are all displayed on one sign. A total of five signs by five different manufacturers all combined into one.

PROPOSAL

When multiple brands are located on a single site, additional sign area and height should be allowed, and the measurement of the sign area should exclude the non-textual background material of the sign that is used to separate the individual "brand" signs. This proposal will make it easier for consumers to find their brand

and its dealer, as well as encouraging more aesthetic sign design. There are three main elements to this proposal, all premised on a site containing dealerships for three or more automotive brands that do not have combined signs available, and using a ground-mounted sign (rather than a pole-mounted sign):

1. Change measurement of sign area to exclude the background separating individual brand signs and allow overall sign area to increase by fifty (50%) percent, and
2. Allow overall sign height to increase by five (5) feet, and
3. Provide that sign height may also be increased by the amount by which the elevation at the centerline at the street closest to the sign exceeds the elevation at the base of the sign.

RATIONALE

A. Multiple Brands.

Sign Area. Signs displaying at least three brand signs on a single sign will be allowed to exclude the background area that is not a part of the individual brand text signs provided by the manufacturers.

We propose that use of these sign modifications be triggered only when more than three (3) non-combinable brands (as so established by the manufacturers) are located on a single site, and only for signs which identify at least three or more such brands (for example, Chrysler/Plymouth/Jeep would constitute a single brand, rather than three, whereas, Toyota, Hyundai and Honda would constitute three separate brands). This will limit use of the provision, but also encourage dealers to concentrate at single locations. With at least three brands on site, there is a greater need for the additional signs than with only one or two. Also by limiting these provisions to sites containing three or more brands, the application of the provision will be limited and the public will be benefited by greater concentration of multiple dealerships in a single site.

Only authorized dealer locations can provide factory product support for vehicles, in terms of warranty, genuine parts and expertise on that particular brand of automobiles. There is a public benefit to consumers in being able to readily and safely locate the sites to obtain that service, whether in the Washington Metropolitan Area or elsewhere around the country. For this reason, the manufacturers require all dealers to use uniform sign designs nationwide. The manufacturer's signs are designed and fabricated to identify their brands to

consumers. Manufacturers generally produce their standard sign designs in certain, limited sizes. Hence, the difficulty, and the necessity, for dealers to use those standard designs and implement them under local sign ordinance requirements.

B. Measurement of Sign Area.

The text of the sign is the real message. The message therefore, is the element whose quantity should be regulated. When more than a single brand is displayed, the text of each individual sign element necessarily gets smaller. At the same time, some non-text area, or background must be used to separate the multiple text areas. That penalizes a site that contains multiple brands, as currently the background counts against the allowable sign area total. Yet, the background helps the legibility of each text element by separating them, and allows the layout of the text elements to be arranged for more attractive visual design.

C. Increase Sign Area and Height.

The additional sign area and additional height for signs should be given only to signs which are ground mounted. Ground-mounted signs are generally considered more attractive. Further, the lower portion of ground-mounted signs often lose some effectiveness due to visual obstruction from other objects on the ground. Therefore, the effective sign area is more limited. There is also a need to modify the sign height to take into account the elevation of the site relative to the adjoining street or adjoining lot with a higher elevation.

Size and Height. When displaying three (3) or more brands on a single freestanding sign that is mounted on the ground (not a pole sign), the sign area may be increased by fifty percent (50%). Additionally, the height of the sign may be increased by five (5) feet and, where applicable, an additional amount to mitigate the effect of the difference between a higher road elevation or adjoining lot elevation, and the elevation of the sign. This will allow sufficient additional area for the additional brand signs without adding excessive additional sign area to the site.

D. Define "Brand."

Define the automotive "brand" with respect to those identified product line groupings which have been established by the manufacturers through their huge investment in national advertising. Those brands can be defined as a nationally recognized trade names and trade marks used to identify the motor vehicles sold by a manufacturer licensed to do business by the Maryland Motor Vehicle

The Honorable Sidney Katz
January 25, 2002
Page 5

Administration. Examples of what would be considered "brands" under this definition are shown on the list attached as Exhibit "2".

We believe that the foregoing text revisions will address the practical problems faced by dealerships operating multiple brands and by consumers seeking to locate automobile sites, while at the same time maintaining the public interest in limited and aesthetic signs and concentrations of dealerships at a single site.

We look forward to working with the City to finalize or refine this proposal.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "William Kominers", written over the typed name.

William Kominers

cc: Mr. Jack Fitzgerald
Mr. David Humpton
Mr. Fred Felton
Ms. Esther P. Gelman
Stanley D. Abrams, Esquire
Gregg Steinbarth, Esquire

bsa1 #17320 v3

EXHIBIT "1"

SPECIFIC TEXT ADDITIONS

- I. Add a new subsection 4 to proposed Section 24-212(k) [existing Section 24-211(j)] as follows:

4. If more than three (3) brands (as defined in Section 24-209) are located on a single site, then:

(a) The provisions of Section 24-209(a) are modified so that for signs identifying at least three (3) brands, the area of the sign shall exclude any area without text or symbol, but which forms the structure of the sign or background portion of the sign separating individual brand sign text.

(b) Where three (3) or more brands are displayed on a single, freestanding, ground mounted sign (not a pole sign):

(i) The sign area allowed by Section 24-209(a) may be increased by fifty (50%) percent, and

(ii) The height of the sign may be increased by five (5) feet, and

(iii) The height of the sign may be increased by an additional amount beyond subsection (ii) above, that is equal to the amount by which the elevation

at the centerline of street closest to the sign,
exceeds the elevation at the base of the sign.

- II. Add a new definition in Section 24- 209 for automobile "Brand" as follows:

"Brand." For purposes of automobile dealership signs in Section 24-212(k)4, "Brand" is defined as a nationally recognized trade name and trade mark, or combination of trade names and trade marks, that are used by the manufacturer to identify the motor vehicles sold by a manufacturer licensed to do business by the Maryland Motor Vehicle Administration.

EXHIBIT "2"

Examples of "Brands" Nationally Established by Automobile Manufacturers:

- | | |
|-------------------------------------|---------------------|
| 1. Acura | 17. Lexus |
| 2. Audi | 18. Lincoln/Mercury |
| 3. Bentley | 19. Mazda |
| 4. Buick/Pontiac/GMC | 20. Mercedes Benz |
| 5. BMW | 21. Mitsubishi |
| 6. Chevrolet, Cadillac & Oldsmobile | 22. Nissan |
| 7. Chrysler/Jeep | 23. Porsche |
| 8. Chrysler/Plymouth/Jeep | 24. Rolls Royce |
| 9. Daewoo | 25. Saab |
| 10. Dodge/Dodge Trucks | 26. Saturn |
| 11. Ford | 27. Subaru |
| 12. Honda | 28. Suzuki |
| 13. Hyundai | 29. Toyota |
| 14. Infinity | 30. Volvo |
| 15. Kia | 31. Volkswagen |
| 16. Land Rover | |



SIGN ORDINANCE

DRAFT

January 2001

CITY OF GAITHERSBURG
PLANNING AND CODE ADMINISTRATION

31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330
Fax: 301-258-6336
www.ci.gaithersburg.md.us

#2

SIGN ORDINANCE
January 2001

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Charles F. Davis, Council Vice President

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Geraldine E. Edens
Henry F. Marraffa, Jr.
Ann T. Somerset

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Leonard Levy
Gary Trojak, Alternate

CITY MANAGER

David B. Humpton

PLANNING AND CODE ADMINISTRATION DEPARTMENT

Jennifer Russel, Director

Urban Design Team:

Clark Wagner, Urban Design Director

Marie Best, Secretary
Mark DePoe, Planner
Kirk Eby, Planner
Gonzalez, Secretary
Patricia Patula, Planning Analyst
Trudy Schwarz, Planner
Eric Soter, Planner
Didier Sylla, Intern

SIGN ORDINANCE DECISION MATRIX

ISSUE	COMMITTEE RECOMMENDATION	POSSIBLE ALTERNATIVES (Asst. City Manager)	MAYOR & COUNCIL DECISION
1. Ancillary Signs	<ul style="list-style-type: none"> Add definition 		
2. Amortization	<ul style="list-style-type: none"> Extend period from 5 to 7 years. Immediate compliance for any changes to sign involving 50% or more of total square footage of sign face. Existing monument signs 10' or less in height are grandfathered until structurally altered. 	<ul style="list-style-type: none"> Eliminate amortization period altogether. Allow signs to exist as legal nonconforming signs until such time as they are altered or refaced. 	
3. Back –lighted Box Signs	<ul style="list-style-type: none"> Do not allow white backgrounds unless they are opaque. 	<ul style="list-style-type: none"> Modify the language to allow white backgrounds where the color white is an integral component of a business logo. 	
4. Sign Height	<ul style="list-style-type: none"> 10' for all signs 5' for monument signs 8' for service station signs Planning Commission may approve a height over 10' if the lot is 5 acres or more or the sign is setback 50' or more. 		
5. Minimum Letter Height	<ul style="list-style-type: none"> 6 Inches No limit on # of tenants 		
6. Directory Signs	<ul style="list-style-type: none"> No permit required for changes to interior directory signs. 		
7. A-Frame Signs	<ul style="list-style-type: none"> Allow for restaurants only with restrictions on size, placement, and require permits. 	<ul style="list-style-type: none"> Do not allow any A-Frame Signs. 	
8. Neon Window Signs	<ul style="list-style-type: none"> Allow a maximum of 5 square feet per business. 		
9. Dimensions of Temporary Signs	<ul style="list-style-type: none"> Standardize dimensions to 50 square feet for all temporary signs that are required to be between 48 and 60 square feet. 		

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INTRODUCTION

Mission. As 1999 drew to a close, the Mayor and City Council endorsed the establishment of an Ad Hoc Sign Ordinance Committee. They believed that the current ordinance for the City was not fully achieving its purpose and on January 3, 2000, appointed a committee "to develop recommendations for a comprehensive revision of the City's sign ordinance."

Membership. The 13 members of the committee represent the community-at-large, professional sign makers from local sign companies, City residents, and business representatives, including automobile dealerships and retail. Liaisons from the City Council and the Planning Commission were also appointed to assist the committee.

Study Tours. The committee met regularly on a bi-weekly basis from January 26 through July 26, 2000, adhering closely to the time-line they set at their first meeting. To initiate their work, the committee viewed a large number of daytime slides of signage throughout the City and developed a list of observations and issues for future discussion. Due to the importance of signage at night, an evening van tour took place on February 23, 2000. The committee drove throughout the entire City to view lighted signage evaluating the effects of color, size, and styles of lighting.

Guiding Principles. The complexity of the signage issue led the committee to develop guiding principles relating to concepts they believed demonstrate "high quality." These follow this introduction.

Budget Request. Since the committee was meeting during the period of City-wide budget considerations for the fiscal year 2000-2001, representatives of the committee found it an opportune moment to present a budget request to assist in implementation of the new ordinance. By the City providing matching funds on a sliding scale, money would be available for a one time, one-sign only arrangement to assist business owners in the modification of their signs to comply with the new ordinance.

Research. Sign ordinances from other cities were reviewed by the committee members and discussed at the meetings. These ordinances were provided by the American Planning Association as model ordinances. These included Stillwater, Minnesota; Aventura, Florida; Salisbury, North Carolina; Hermosa Beach, California; City of Portland, Oregon; Burlingame, California; Mt. Prospect, Illinois; Yonkers, New York; and San Bernadino, California.

Conclusion. It is the hope of the committee that this revised ordinance will reduce the hardship on certain business owners whose properties are negatively affected by the current sign ordinance, and will affect a positive visual and economic improvement throughout the City.

Sign Ordinance Committee Members

John Bauer
Councilwoman Geri Edens
Stephen Glenn
Arthur Goldberg
Robert Hydorn
Fay Johnson
Commissioner Blanche Keller
Karen Napolitano
Thomas G. Patton
Patricia Patula, Staff Liaison
Joann Schimke
David Shayt
Clark Wagner, Staff Liaison

GUIDING PRINCIPLES

CITY OF GAITHERSBURG SIGN ORDINANCE

The committee suggests that the goals of good signage are to promote business and to provide direction while creating an atmosphere of prosperity and continuity. The overall consensus of the Sign Ordinance Committee is the importance of "high quality" in relation to the signage in the City. This phrase is used repeatedly in the committee's discussion of existing signage in the City. Additionally, the committee stresses that signage should be appropriate for the neighborhood setting. For example, signs in the Olde Towne district reflect the historic quality of the neighborhood while signs in the business district may have a more commercial appearance. The committee also recommends providing "incentives" for good sign design.

The concept of "high quality" is examined by the committee in several key areas.

READABILITY

The committee stresses the importance of a sign's "readability" which includes limiting the number of words on a sign and organizing the words and images on a sign in a clear, uncluttered graphic composition. The committee also seeks to promote "readability" by limiting the amount of window signs. The committee further encourages the use of icons and non-verbal signs in sign design.

SIZE

The committee recommends limiting the height of free standing signs from five to ten (5-10) feet. The committee further recommends limiting the size and number of signs.

MATERIALS

The committee emphasizes the importance of materials used in constructing signs. Incentives could be given for the use of wood, brick, or stone in designing monument signs. Additionally, signs should be compatible with the building architecture.

LIGHTING

The committee recognizes the importance of lighting which should illuminate the sign but not be overly bright or garish in design. The committee recommends using internally lit letters as opposed to internally lit box signs with white backgrounds. Designers could be encouraged to use "halo lit," "ground lit," or "gooseneck lighting" in their proposals.

COLOR

The committee further suggests that color is important and that color can be used to promote a harmonious appearance. The committee recommends avoiding the overuse of one color for multi-tenant buildings and limiting the use of white backgrounds. A sign's color should be well coordinated with the buildings that it seeks to advertise.

LANDSCAPING

The committee emphasizes the value of creating and maintaining attractive landscaping around free standing signs.

MAINTENANCE

The committee stresses the importance of maintaining signs in the city. Light bulbs should be replaced immediately when they have burned out; fallen or missing letters should be replaced immediately; and the electrical safety codes relating to signage should be enforced at all times.

PLACEMENT

The committee suggests that the placement of a sign is critical. To promote public safety, signs should be positioned to minimize visual clutter on the streetscape. Signs should neither obscure the line of sight into lanes of traffic nor inhibit the ability to see pedestrians.

The committee further recommends limiting the longevity of non-conforming signs and encourages voluntary compliance.

PURPOSE

SEC. 24-208

~~Article IX is intended to promote the health, safety and general welfare of the residents of, visitors to, and owners and occupants of land and buildings within the city; to restrict and eliminate signs tending to depreciate the value of property; and to eliminate actual or potential hazards to pedestrians and motor vehicle operators within the city (Ord. No. O-1-79).~~

Article IX is intended to promote and protect the public health, safety and general welfare by regulating existing and proposed signs and other street graphics within the city. In particular, this Ordinance is intended to enhance the unique character of the city and ensure that signs are compatible with their surroundings. It is further intended to protect property values, create a better business climate, enhance the physical appearance of the community, preserve the natural beauty of the city, and improve vehicular and pedestrian safety, and reduce visual pollution. It is the nature of signs to provide an index to needed goods and services. It is the intention of this ordinance to control those signs and to authorize the use of signs that are:

- (a) Compatible with their surroundings;
- (b) A thematic representation of the business or of the community as a whole;
- (c) Legible under the circumstances in which they are seen; and
- (d) Conducive to promoting traffic safety by preventing visual distraction or obstruction.

DEFINITIONS

SEC. 24-209

"Abandoned sign" –a sign is considered abandoned if the business or other use advertised on that sign is no longer licensed, no longer has a Certificate of Occupancy, or is no longer doing business at the location to which the sign pertains.

"A-Frame sign" –a portable sign used for pedestrian advertising on a sidewalk or similar location, consisting of two (2) sign faces attached at the top with hinges or similar device allowing for easy transport.

"Awning" –a shelter supported entirely from the exterior wall of a building.

"Balloon sign" –any sign of fabric type or plastic material, inflated by air to a point of semi-rigidity for the purpose of floating above the ground or a building.

"Blade sign" –a non-electric sign hanging beneath a canopy, attached to the face of a building or post.

"Box sign" –a sign in the form of an enclosed box or cabinet where the entire face of the sign is lighted from fixtures located within the structure.

"Canopy" –a roof structure extending from the front of a building over a sidewalk or walkway which may be wholly or partially supported by columns, poles, or braces extending from the ground.

"Changeable letter sign" –a sign on which message copy is changed manually or electronically, through the utilization of attachable letters, numbers, symbols, and other similar characters of changeable pictorial panels. A changeable letter sign shall be counted as a sign face.

"Channel letters" –individual letters usually lighted from an interior light source and attached to a building separately.

"Conforming sign" –a sign which is in compliance with all the provisions of this [sign] ordinance.

"Construction sign" –a single sign giving the name or names of building owners, architects, engineers, and/or lending institutions and principal contractors responsible for construction on the site where the sign is placed, together with other appropriate information included thereon.

"Directional sign" –any on-site or off-site sign that includes information assisting in the flow of pedestrian or vehicular traffic such as enter, exit, and one-way.

"Directory" –a listing of names and/or uses, or locations of more than one (1) business, activity, or professional office conducted within a building, group of buildings, or shopping center. Such a directory contains no other identifying/advertising message than that listed above.

"Double-face sign" –a sign which has two (2) or more display surfaces backed against each other, or against the same background, one face of which is designed to be seen from one direction and the other from the other direction.

"Electric sign" –any sign containing electric wiring, but not including signs illuminated by an exterior light source.

"Externally illuminated sign" –any sign illuminated by shielded electric lights which are not part of the sign.

"Facade" –the face of a building from the ground to the roofline.

"Flashing sign" –an illuminated sign that is not kept constant in intensity of light or color when the sign is illuminated

"Freestanding sign" –any sign that is not attached to or painted on a building, but that is affixed to a supporting structure that is attached to the ground by a concrete foundation or footing. Such signs include monuments, pole, and pylon signs.

"Gooseneck lights" –lights used to light a sign, canopy or awning. Typically these lights extend from the building wall above a sign and are used to illuminate the sign.

"Grade (adjacent ground elevation)" –the lowest point of elevation of the finished surface of the ground, paving or sidewalk.

"Graphic sign" –any mural or pictorial scene or graphic design painted on the side of a wall or building or painted on a sign board affixed to a wall.

"Halo-lighted sign" –a sign using individual letters in which the light is emitted from behind the letters creating a halo effect around the sign.

"Illuminated sign" –a sign that is illuminated by electric or other devices, mainly for clear visibility at night.

- (a) Direct (or internal) illumination: a light source which is enclosed within the sign and viewed through a translucent panel. Luminous tubing

(neon lights) is one kind of direct illumination.

- (b) Indirect (or external) illumination: a light source which is placed outside of or away from the sign in a manner to illuminate the sign.
- (c) Luminous tubing: a light source formed by glass tubes filled with gas, known as neon lights.

"Internally illuminated sign" –any sign having translucent characters, letters, designs, logos or outlines illuminated by electric lights located within the sign, or luminous tubes designed for that purpose.

"Marquee sign" –a sign designed to have manually changeable copy. Marquee signs may be a principal identification sign, a freestanding sign, or a wall sign.

"Monument sign" –any sign in which the bottom of the sign is usually flush with the ground, constructed of a wooden, stone, masonry, or stucco mounted on a freestanding solid structure supported solely by its own ground-mounted base or supported by two column-like supports.

"Multi-tenant center" –any shopping center, office center or business center in which two or more occupancies abut each other on the site or share common parking facilities or driveways, or are otherwise related.

"Neon sign" –a sign containing glass tube lighting in which a gas and phosphorous are used in combination to create a colored light.

"Non-conforming sign" –a sign lawfully erected and maintained prior to the adopting of this ordinance that does not conform with the requirements of this ordinance.

"Painted wall sign" –a sign applied to a building wall with paint, dye or other similar materials, and which has no sign structure.

"Parapet" –a false front or wall extension above the roofline of a principal building.

"Permanent sign" –any sign which is not classed as a temporary sign. A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

"Pole sign" –any sign erected upon a pole (or poles) that is wholly independent of any building and/or other structure for support.

"Portable sign" –a sign designated or intended to be moved easily that is not permanently embedded in the ground or affixed to a building or other structure.

"Principal building" –the primary structure, excluding ancillary, accessory or attached structures or devices.

"Projecting sign" –a sign attached to and projecting out from a building face or wall, generally at right angles to the building.

"Roof line" –considered the apparent uppermost edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette or façade.

"Sign" –any device designated to inform or attract the attention of persons (also Sec. 24-1).

"Special event sign" –any temporary sign which solely advertises a function or event of a non-profit, commercial or industrial organization, civic event or meeting, or other similar activity of a temporary nature.

"Temporary sign" –any sign, banner, or advertising display intended to be displayed for a limited time period.

"Traffic control sign" –any sign found in the *Manual of Uniform Traffic Control Devices* or as may be amended from time to time.

"Vehicle sign" –a sign affixed to, or painted on, a transportation vehicle (including automobiles, vans, trucks, boats, trailers and campers), for the purpose of identification or advertisement, excluding signs less than two (2) square feet per side of the vehicle and excluding signs on vehicles used in the normal day-to-day operations of a business.

"Viewshed" –the area within view from a defined observation point.

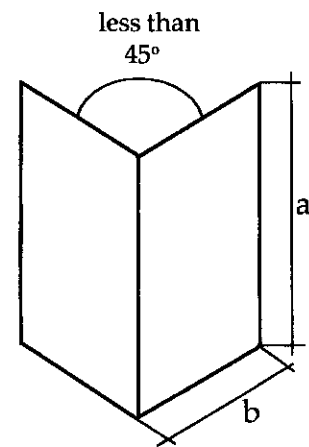
"Window sign" –a permanent and/or temporary sign inside or outside of, and attached to, or painted on the surface of windows.

GENERAL PROVISIONS, RESTRICTIONS AND PROHIBITIONS

SEC. ~~24-210~~ ~~24-209~~

Except as otherwise specifically provided in article IX, the following provisions apply in all zones:

- (a) The area of a sign shall include the entire face of the sign and any wall work incidental to its decoration, and shall include the space between letters, figures and designs. All sides of a sign which are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two (2) sides thereof are back-to-back or separated by an angle of forty-five (45) degrees or less. In the latter case, if the two (2) sides are not equal size, the larger side shall be measured. Addresses for any building or tenant may be excluded from the allowable signage for that building or tenant so long as the address letters or numbers do not exceed six (6) inches in height.
- (b) Pennants, flashing lights and strings of light bulbs, hot air balloons and similar air-propelled devices which advertise a product or service, pinwheels or similar circus or carnival type attractions are prohibited, provided that this prohibition shall not apply to any property owned by the Montgomery County Cooperative Agricultural Center, Inc.
- (c) Portable or movable signs which are not firmly attached to a structure are prohibited, except for A-frame signs that comply with section 24-212(d).



- (d) No sign shall be permitted which by reason of its shape, color or wording may be confused with an official traffic sign, signal or device, or which may mislead or confuse pedestrians or vehicle operators, or obscure from view any traffic or street sign or signal or which may obstruct the view in any direction at the intersection of a street with another street or with a driveway.
- (e) A sign placed on any motor vehicle, trailer or other movable device, defined herein as a vehicle sign, that reasonably indicates an intent to make principal use of such vehicle or device as a stationary sign is prohibited.
- (f) A sign which advertises a building, product, business, service or institution which is not located on the same lot as the sign is prohibited, except as provided in subsections 24-211(b)(3), 24-211(f), 24-211(j)(2), and 24-212(f) ~~24-210(b)(3), 24-210(f) and 24-211(d), 24-210(j)(2)~~ of this Code. Signs that were erected prior to 1984 that are nonconforming due to this prohibition only, and are on a contiguous parcel of land, are not prohibited.
- (g) A flashing or blinking sign, intermittent or varying intensity of illumination of a sign is prohibited, whether deliberate or as a consequence of a defect in the sign or the illumination source, except for a sign indicating the time or date or temperature changes, a combination thereof or a traditional barber pole used for barber shops.

- (h) The light from any light source intended to illuminate a sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles moving on public or private streets, driveways or parking areas.
- (i) No sign shall obstruct any door, fire escape, stairway or any opening intended to provide ingress or egress to or from any building or structure.
- (j) No sign which is not attached to a building, except for street banners, shall exceed ten (10) ~~fifteen (15)~~ feet in height. The height shall be measured from the finished grade of the property at the base of the sign. The planning commission may approve a sign exceeding the height prescribed in this subsection ~~(k)~~ upon a finding that an unnecessary hardship will result due to topographic or other physical conditions relating to the property.
- (k) The lowest point of any sign which extends over an area intended for pedestrian use shall not be less than eight (8) feet above the finished grade below it. The lowest point of any sign which extends over an area intended for vehicular use shall be not less than fourteen (14) feet above the finished grade below it. In the Olde Towne District as defined in Section 24-161(a), signs which were erected prior to the enactment of this ordinance and which are nonconforming due to this provision only are not prohibited, and further, signs erected after the enactment of this ordinance which

extend over an area intended for pedestrian use may be less than eight (8) feet above the finished grade below it if pedestrian access is not impeded and the City Manager or his/her designee ~~down-town review committee~~ recommends approval.

- (l) No sign shall contain statements, words or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.
- (m) Except as to noncommercial signs specified in subsection (o) of this section or otherwise provided in this article, no sign shall be placed on any city, county or state right-of-way except signs erected by a public agency and identification signs for a community development or subdivision project defined in section 24-210(e) of this article on a residential primary or secondary street within or abutting the community; provided, that such identification sign shall not be located so as to constitute a hazard to the safety of motorists and pedestrians, shall be subject to the approval of the city manager and erected pursuant to a revocable sign permit, the issuance of which is conditioned upon removal of the sign at no cost to the city at such time as the city manager may direct. No signs, except signs erected or authorized to be erected by a public agency, shall be attached to utility poles, public traffic control signs, or placed in median strips.
- (n) No sign shall be placed in any area designated as a proposed right-of-way on the most recent approved and adopted master plan of the city, except signs issued pursuant to a permit, the dura

tion of which shall expire prior to the initiation of construction within said right-of-way, including signs located on industrially or commercially improved property, real estate signs, directional signs, or signs advertising a civic, religious or charitable event; provided, however, the city planning commission shall, in the case of permanent signs, first review said sign as to its compatibility and traffic safety and make recommendations to the city manager prior to a revocable permit being issued by the city manager. Permits issued hereby are to be conditioned upon removal of the sign at no cost to the city at such time as the city manager may direct. No signs, except signs erected or authorized to be erected by a public agency, shall be attached to utility poles, public traffic control signs, or placed in median strips.

- (o) Unless otherwise indicated in this section of article IX, signs shall be permitted within any yard setback area. Any sign projecting from the wall of any commercial or industrial building shall also comply with the provisions of section 24-211(f) of this article unless such building is sited on or within two (2) feet of the front property line.
- (p) No banner in excess of forty-eight (48) square feet shall be hung from the wall or roof of any building. Banners shall be composed of fabric material, shall be safely secured to a wall or roof by metal couplings or fittings and shall be temporary in nature. No more than one banner may be hung from a single building or location at one time. Each such building or location may hang a banner a maximum of twice per calendar year,

with each such display to be limited to a maximum duration of thirty (30) days. All banners are prohibited in residential areas, except on the buildings or property of civic, religious and quasi-public organizations, and where permitted, civic, religious and quasi-public organizations must comply with section 24-210(f) of article IX.

- (q) Flags identifying other than a governmental unit shall bear only a symbol and identifying name, shall be affixed only to flagpoles and shall not exceed eight (8) feet by twelve (12) feet in size.
- (r) Revolving signs and signs with exterior moving parts are prohibited.
- (s) Paper signs which cover the front of a building are prohibited. (Ord. No. O-1-79; Ord. No. O-24-84, 12-3-84; Ord. No. O-18-90, 9-17-90)
- (t) Non-electronic hand-changeable letter signs are prohibited, except on buildings or properties of civic, religious and quasi-public organizations, movie theatres, and gas station pricing signs, which comply with Section 24-211(o).
- (u) Internally lit box signs are not permitted unless the background is opaque where only the letters or logos are illuminated, with the exception being signs under five (5) square feet.
- (v) Signs on awnings or canopies shall not exceed 18 inches in letter height and shall not be internally illuminated.

SIGNS PERMITTED IN ALL ZONES

SEC. ~~24-211~~ ~~24-210~~

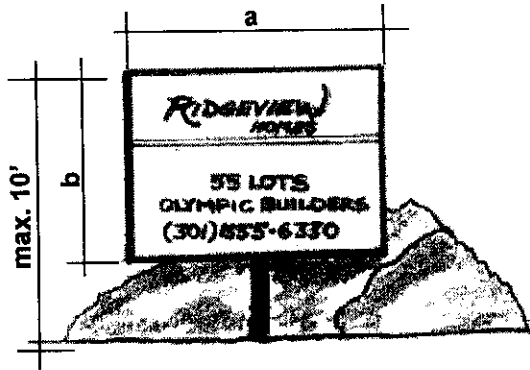
Subject to the other conditions of article IX, the following signs shall be permitted in any zone:

- (a) *Construction signs.* Signs shall be permitted for all building contractors, leasing agents, professional firms and all lending institutions involved in the construction, enlargement, reconstruction or repair of a building or structure. Each such sign shall not exceed fifty (50) square feet in area with not more than a total of one hundred fifty (150) square feet of such signage permitted on one site. If freestanding, the height of each such sign shall not exceed ten (10) ~~fifteen (15)~~ feet. Each such sign shall be temporary in construction and nature and be removed prior to the issuance of a final use and occupancy permit.

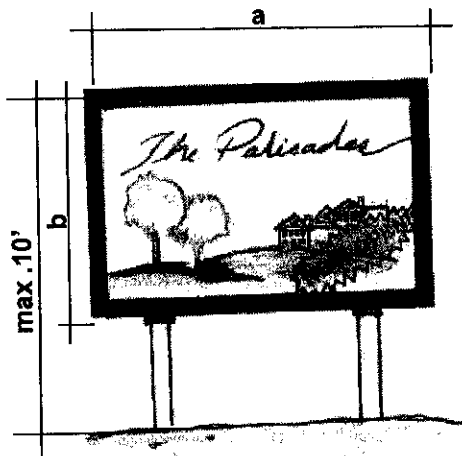


Allowable square feet of signage: $a \times b = 50$ square feet (maximum)

(b) *Real estate signs.*



Allowable square feet of signage:
 $a \times b = 48$ square feet (maximum)



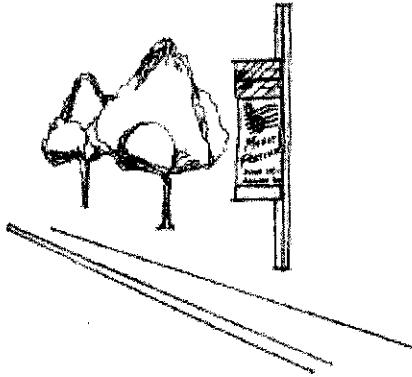
Allowable square feet of signage:
 $a \times b = 12$ square feet (maximum)

(1) One temporary real estate sign including but not limited to sales, leasing, development and financing information not exceeding forty-eight (48) square feet in area and located on the property to which it relates shall be allowed for each tract two (2) acres or more in area. If the tract has frontage on more than one improved public street, one additional sign not exceeding forty-eight (48) square feet in area shall be allowed on the property to be placed facing the additional frontage. Under no circumstances shall more than two (2) such signs be permitted on the property. Any such sign shall be removed within seven (7) days of the completion of the sale or leasing of the building or property.

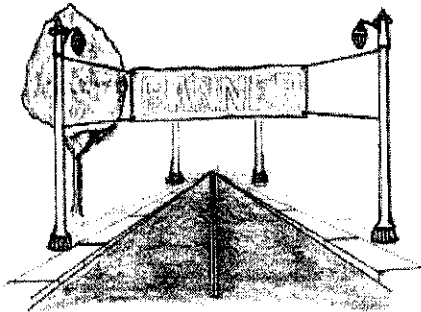
(2) One temporary real estate sign not exceeding twelve (12) square feet and located on the property to which it relates shall be allowed for each tract less than two (2) acres in area. For individual lots, one temporary real estate sign, not to exceed six (6) square feet, shall be allowed and must be placed on the property to which it relates. Any such sign shall be removed within seven (7) days of the completion of the sale or leasing of the property.

(3) Temporary real estate directional signs not exceeding three (3) square feet in area and four (4) in number showing a directional arrow and placed back of the front property line shall be permitted on each approach route to a house which is for sale and open for inspection. The height of such signs shall not exceed three (3) feet. Such directional signs announcing such an open house may be placed in the public right-of-way on weekends between the hours of noon Saturday and sundown on the following Monday; provided that where, in the opinion of a police officer, signs so placed constitute a hazard to traffic, the police officer or other authorized personnel of the city may remove such signs. Subsection 24-209(g) shall not apply to such signs. Such signs may be located in a public right-of-way but shall not impede nor be a danger to public safety. Such signs shall not be placed in median strips. The removal of these signs shall be the responsibility of the owner thereof, which shall be presumed to be the company or person identified on the sign. The city may seek recovery of costs for removal of such signs and any court of competent jurisdiction may award reasonable costs to the city.

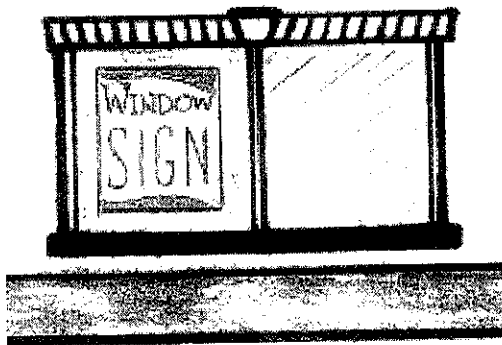
(4) One temporary residential subdivision identification sign for each development of ten (10) lots or more and one temporary identification sign announcing the opening of any commercial, industrial or multi-family residential project, not exceeding sixty (60) square feet in area and located on the property, shall be allowed and shall be removed within thirty (30) days of the sale or lease of the last unit in the project.



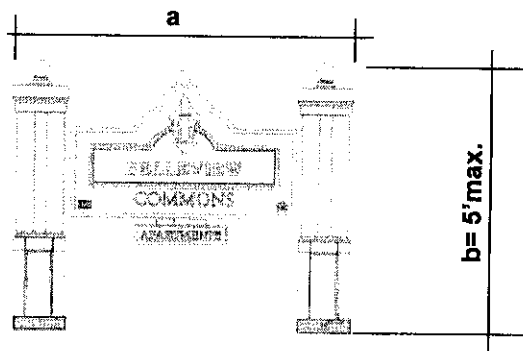
- (c) *Street banners.* Street banners advertising a public entertainment or event, if specifically approved by the city manager and in locations designated by the city manager, may be displayed fourteen (14) days prior to, and during, and seven (7) days after the public entertainment or event. These regulations shall not apply to banners covered by the provisions of section 24-209(q) of this Code.



- (d) *Window signs.* Signs shall be permitted inside or outside a window so as to be visible from the outside of the building without reference to the area limitation contained in subsection 24-212(a); 24-211(a); provided, that the total area of each window sign shall not exceed fifty (50) percent of the total window area on a single side of the building. Business locations under 10,000 square feet of gross leasable area, are limited to a maximum of twenty-five (25) square feet of signage. ~~of the window on which the window sign is attached or affixed.~~ The provisions of this subsection shall also apply to signs attached flat against the exterior of a window, and to messages painted on a window, such messages to be considered a "window sign" under this subsection. Signs advertising charitable organizations, events or activities shall not be included in the regulations contained in this section. A permit is not required for window signs which are placed on the inside of a window. A permit is required for signs that are attached against the exterior of a window.



- (e) *Permanent identification signs.* On-site signs of a permanent nature, setting forth the name of a church, community, development, center or other like projects, shall be permitted. Such signs shall be deemed to include community bulletin boards. Such signs may be freestanding or may be attached to a building wall or a decorative wall; provided, however, where such sign is a part of a decorative wall, only the message area shall be calculated toward the total signage permitted. Any such sign shall not impair site distance to safe egress from the property and shall not exceed twenty-four (24) square feet in area; provided, however, that the planning commission may approve such an identification sign in excess of twenty-four (24) square feet in area upon a finding that the proposed sign, by nature of its purpose and location, and the nature of the project it identifies justifies such larger area, and that such larger sign will not affect the health, safety and welfare of the general public, nor be a hazard to traffic, vehicular or pedestrian. All permanent identification signs shall be compatible in appearance and design with the surrounding landscape or buildings to which they may be affixed, and shall only be lighted from an exterior light source.

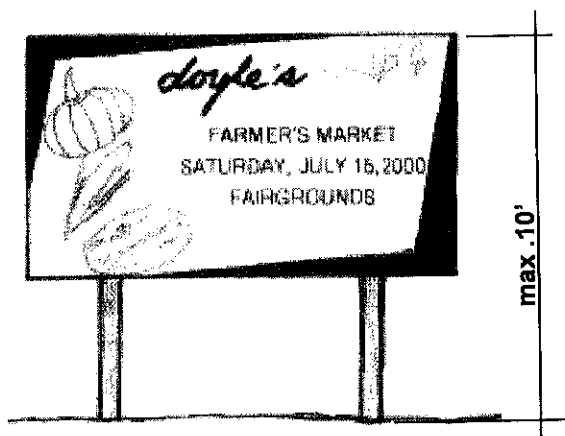


Allowable square feet of signage: $a \times b = 24$ square feet (maximum)

(f) *Civic, religious and quasi-public signs.* Name, directional and informational signs and emblems of service clubs, places of worship, civic organizations and quasi-public uses shall be permitted on private property if set back in accordance with the minimum yard requirements of the zone in which the sign is located. Each sign shall not exceed six (6) square feet in area. If freestanding, the height of such sign shall not exceed eight (8) feet. In the event that there is a need for more than one sign at one location, all such signs must be consolidated and confined within a single frame. Subsection 24-209(g) shall not apply to such signs.

(g) *Public signs.* Signs of a noncommercial nature and in the public interest such as directional signs, regulatory signs, warning signs and informational signs may be erected by or on the order of, a public officer in the performance of his duty.

(h) *Temporary signs.*



(1) Temporary signs, excluding banners composed of fabric materials regulated pursuant to section 24-210(p) ~~27-209(q)~~, announcing any special event or function not exceeding thirty (30) consecutive days for each event to be sponsored by a public, charitable, civic, educational or religious organization may be located on the lot or parcel on which the event or function is to take place, and must be set back no less than ten (10) feet from the property line and placed so as not to impair safe sight distance. Such a sign shall be erected no more than fourteen (14) days prior to

the event or function and must be removed within three (3) days after the end of the event or function. The height of all such signs shall not exceed ten (10) feet.

(2) All other temporary signs (excluding banners composed of fabric materials regulated pursuant to section 24-210(p) ~~27-209(q)~~) announcing any special event or function not exceeding twice per calendar year for all such events and functions and not exceeding thirty (30) consecutive days on each occasion, including those sponsored by any commercial, industrial organization, may be located on the property where the event is to take place. Such a sign shall be erected no more than fourteen (14) days prior to the event and must be removed within three (3) days after the event. ~~Section 24-211 shall not apply to such a sign.~~ The height of all such signs shall not exceed ten (10) feet.

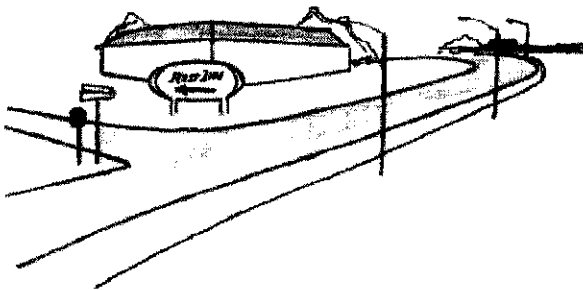
(3) Nothing in subsections 24-211(h)(1) and (2) ~~24-210(h)(1) and (2)~~ shall be construed to prohibit off-site signs of a temporary nature which announce one-day special events. Such signs shall not exceed twenty-four (24) square feet in area and shall not be more than ten (10) feet high. Further, such signs shall comply with the locational, erection and removal requirements of subsections 24-211 (h)(1) and (2) ~~24-210(h)(1) and (2)~~ above.



- (i) *Integral part of structure.* Names of buildings, dates of erection, monumental citations, commemorative tablets and the like are permitted when carved into stone, concrete or similar material and made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

- (j) *Private traffic direction signs.*

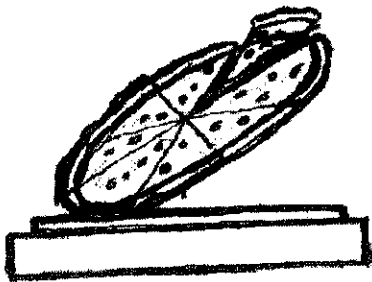
(1) Signs directing traffic movement onto or within private property are permitted and are exempt from the restriction contained in subsection 24-210 (d) ~~24-209(d)~~. Such a sign shall not exceed eight (8) square feet in area and shall not exceed ten (10) feet in height, unless otherwise specifically authorized within this subsection (j). Such signs directing traffic movement onto or within an office park with multiple buildings totalling 10,000 square feet of floor area or more shall not exceed fifteen (15) square feet in area each. Such signs directing traffic movement onto or within a shopping center totalling one million (1,000,000) square feet of floor area or more shall not exceed thirty (30) square feet each in area; and may include the name of the center, and name of and direction to, primary anchor tenants of greater than seventy-five thousand (75,000) square feet. Such signs directing traffic movement within an office complex may include the name of, and direction to, primary anchor tenants of greater than twenty-five thousand (25,000) square feet occupying at least one-half of the area of a building. Directional signs painted on paved areas are exempt from the maximum area stated above. Di-



rectional signs with either a number or letter identification and/or special symbol or logo and attached to light poles, which inform and direct the public to locations within private parking lots of retail centers or office parks, shall not exceed thirty (30) square feet each in area and shall not exceed fifteen (15) feet in height. Private traffic directional signs shall not contain the name of a business or business product, unless otherwise specifically authorized within this subsection (j), or unless the business is remotely located or a unique access situation is involved, and the planning commission has approved such sign based upon such unique circumstances. In addition, one or more off-site signs not exceeding a total of twenty (20) square feet on any one lot giving direction to a church, school, residential community, community theater, or recreational or community facility within one thousand (1,000) feet of the lot or parcel containing the sign may be erected on any residentially zoned lot not improved with a single-family dwelling.

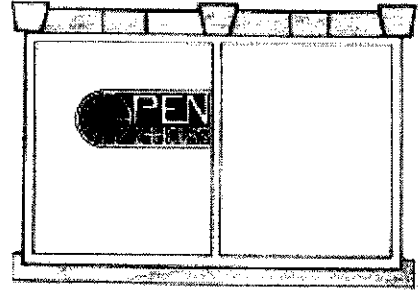
(2) The City Council may approve one off-site directional sign with a message area not exceeding twenty four (24) square feet which gives direction to a residential community located within two thousand five hundred (2,500) feet of the lot or parcel containing the sign. The message area of the sign may be located on a wall not exceeding five (5) feet in height above ground level and any area not covered by the sign text, lettering, symbol or logo, shall not be considered as part of the message area of the sign.

(k) *Election campaign signs.* Signs announcing candidates seeking public political office and other data pertinent thereto shall be permitted up to a total area of nine (9) square feet for each premises in a residential zone and thirty-two (32) square feet in a commercial or industrial zone. These signs shall be confined within private property and shall not be less than fifteen (15) feet from the nearest edge of the pavement of any street or road (except in cases of signs in store windows). These signs may be displayed thirty (30) days prior to and seven (7) days after the election for which intended. In cases where a final election follows within seventy-five (75) days of a primary election, those candidates who won in the primary election or those running unopposed may continue to display their signs during the interim period and up to seven (7) days after the final election. In commercial zones, permits shall be required for signs located at campaign headquarters only. There is no height limitation except that a thirty-two foot sign cannot exceed eight (8) feet from grade to top. No illumination of political signs shall be permitted. (Ord. No. O-1-79; Ord. No. O-24-84, 12-3-84; Ord. No. O-18-90, 9-17-90)



- (l) *Icon Signs.* Signs using icons are encouraged, and may be in the form of any person, animal, vegetable, fruit, product, or portion of any of the foregoing, but they must have the express consent of the planning commission.

- (m) Neon Window Signs. Neon signs located inside a window and visible from the exterior may be located within each individual business location. Neon signs will be limited to a total area of five (5) square feet for each business location and will be included in the total allowable signage for the building and windows. All neon signs facing, abutting, or confronting residential uses must be turned off at the close of business.



- (n) Child care or elderly care signs. Signs for child care or elderly care uses, accommodating not more than eight (8) individuals, located within single-family attached or detached dwellings must comply with the requirements of Sec. 24-215(n). Such uses accomodating eight (8) or more individuals shall have a sign no greater than twenty-five (25) square feet.
- (o) Changeable letter signs. Signs with changeable letters, excluding theater marquees and service stations, shall be no greater than 30 square feet and shall comply with Section 24-212(b). Size and height requirements for theater marquees shall be determined by the Planning Commission. Service stations pricing signs are regulated by the State of Maryland.

COMMERCIAL AND INDUSTRIAL SIGNS

SEC. 24-212 ~~2-4-211~~

The following regulations shall apply in the C-1, C-2, C-3, C-B, C-P, C-D, E-1, E-2, HM, R-B, R-O, I-1, I-3, ~~and I-4~~, and MXD Zones:

- (a) The total area of signs on any building, ~~lot~~, except in the R-B Zone, shall not exceed ten (10) percent of the total square footage of the facade of a building holding the sign and shall have a maximum size of one hundred (100) square feet for any individual sign.

1) Signs for large, single retail businesses and large office buildings over 500,000 square feet may exceed one hundred (100) square feet with Planning Commission approval.

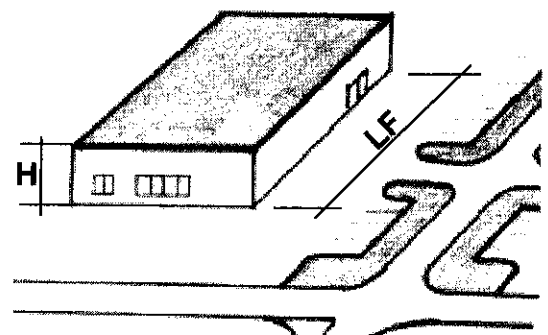
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2) Signs within a shopping center or other commercial building must have letters that are proportional to the area or background on which the letters are placed and shall not to exceed seventy-five (75) percent of that area.

3) Only Internally illuminated channel letters, halo-lighted letters, externally illuminated letters, or flat wall signs are permitted on buildings more than twenty (20) feet from the edge of the street abutting the building. Buildings within twenty (20) feet of the street edge must only use non-internally illuminated signs.

4) Single-tenant buildings are permitted only one sign on each face of the building permitted to have signage. Multiple-tenant buildings, such as in shopping centers or office buildings, are allowed no more than one sign per tenant attached to each facade of the building that is permitted to have signage. Ancillary signs are permitted in addition to the main tenant sign but may not exceed twelve (12) inches in letter height and must count toward the total allowable square footage for that tenant or building. two (2) square feet for each linear feet of building facing toward a street. Provided, however, that signage is limited to only those sides of a building that face a street or have a public entrance not more than two (2) square feet of signage for each linear foot of building frontage shall be allowed on the face of a single side a building.

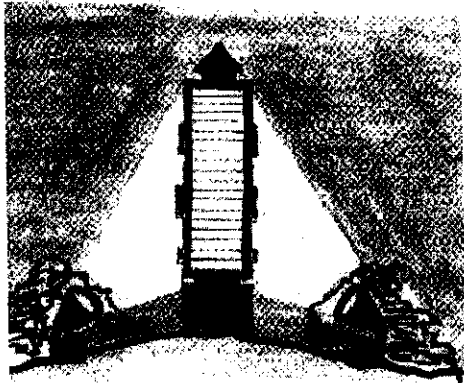
5) In the R-B Zone, the total sign area on any lot shall not exceed one square foot for each linear foot of building facing a street and not more than one square foot of signage for each linear foot of building frontage shall be allowed to face a single side of a building in this zone.

6) Signage may not be located on Signage may be placed on any face of the building except that portion of a building facing abutting residentially improved property which is not separated by an improved public road from the property upon which said signs are located. ~~This ratio shall include no more than one freestanding or multiple use identification sign facing each street frontage, not exceeding fifteen (15) feet in height from grade at the base of the sign, exclusively of theater marquee or service station signs.~~



H - Height
LF - Linear Footage

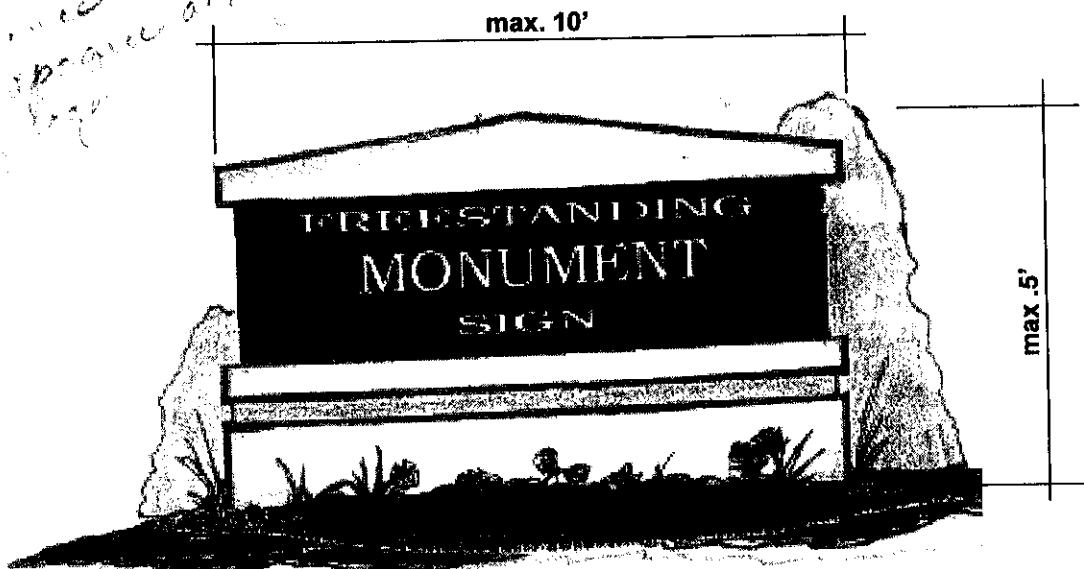
Total maximum allowable sign area
= $H \times LF \times 10\%$



Appropriate monument sign lighting

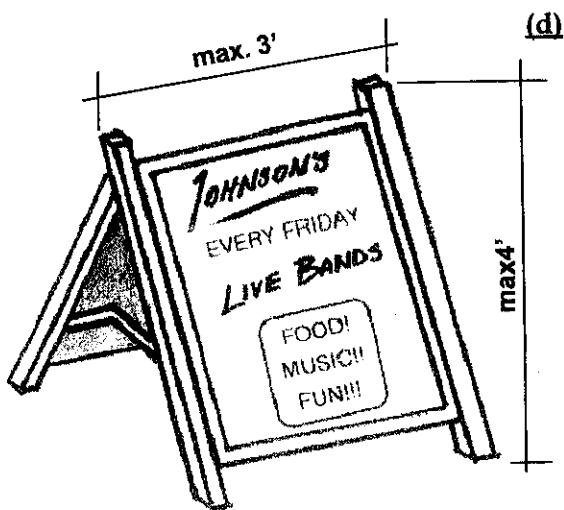
- (b) One freestanding monument sign facing each street frontage, not exceeding ten (10) feet in width and five (5) feet in height from grade at the base of the sign is permitted for each lot or parcel containing a building, with a maximum of two (2) total signs exclusive of theater marquee or service station signs. If two such signs are allowed, the sign locations and orientation must not allow both signs to be read in the same viewshed. Internally lit signs and neon are not permitted on monument signs. Individual letter height shall not be less than four (4) inches. All monument sign permits shall include a base landscape design and lighting plan, if lighting is proposed. Monument signs for multi-tenant centers must state the name of the center and no more than five (5) anchor tenants.

*Model -
Chenoweth is internally lit.
Lighting ordinance states sign height
shall be 5' max. sign height
shall be 10' max.*



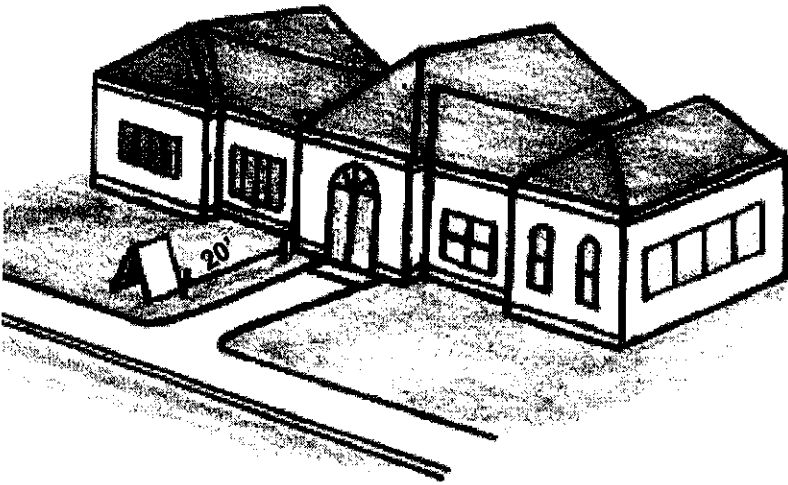
- (b) (c) Signs for businesses conducted on a lot or lots unimproved by a building shall be allowed a total area for all signs, not to exceed one-half (1/2) square foot for each linear foot of lot frontage, or one hundred (100) square feet overall, whichever is smaller. Signs on unimproved lots shall comply with all restrictions of freestanding signs, section 24-211(g).
- (c) ~~A multiple use identification sign, not exceeding fifteen (15) in height from grade at the base of the sign, stating the name of a shopping or other commercial or industrial center or building and some or all of its tenants, shall be allowed for any multiple occupancy shopping or other commercial or industrial center or building. Excepting in the case of a center containing multiple road frontages as specified in this subsection, only one multiple use identification sign may be erected or maintained for said center, irrespective of the placement or location of buildings contained therein. The area of each sign shall be determined independently from the sign area allowed under subsection (a) of this section for building frontage and may not exceed one square foot for each linear foot of lot frontage or three hundred (300) square feet, whichever is smaller; provided, however, that any multiple use identification sign exceeding the maximum area of signs allowed under subsection (a) of this section shall be subject to the approval of the city planning commission. A second multiple use identification sign, not to exceed fifty (50) square feet in area and ten (10) feet in height, may be permitted for any commercial center which has no less than five (5) professional offices that oc-~~

~~occupy a portion of a retail shopping center containing at least fifty thousand (50,000) square feet of gross floor area. This second multi-use identification sign shall contain identification of the professional offices only. The planning commission may allow a multiple use identification sign to exceed the sign area limitations imposed herein by up to twenty (20) percent upon a finding that such sign is compatible in appearance and design with a majority of other signs within the center and that such sign shall be the only freestanding sign (including multiple use sign(s) facing each street frontage. Where the center has frontage on more than one business district road or road of a higher nonresidential classification, one such identification sign may be allowed for each frontage; provided further, however, where only a multiple use identification sign is used for any center or building, one square foot of signage for each linear square foot of lot frontage or four hundred (400) square feet of signage, whichever is smaller, shall be allowed.~~



One A-frame sign is permitted for each business and must comply with the following regulations:

- 1) must not exceed three (3) feet in width and four (4) feet in height;
- 2) must be located within twenty (20) feet of the business directly in front of the entrance;
- 3) must be removed at the close of business daily and during periods of inclement weather;

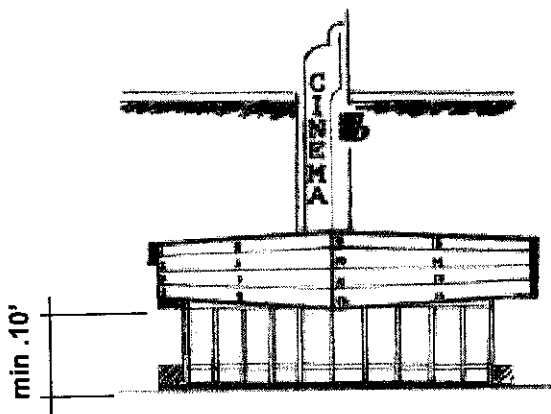


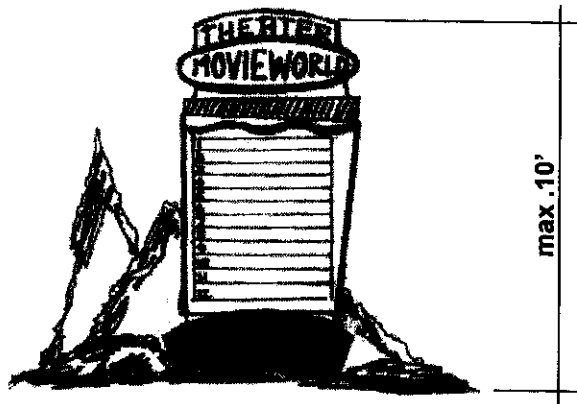
- 4) must not impede the flow of pedestrians or vehicles, nor cause any safety problem related thereto; and
 - 5) must have a permit which can be revoked at any time for violations of this article.
 - 6) must be of sturdy, heavy duty material, such as wood.
 - 7) the total area of any A-frame sign shall be counted toward the total allowable signage for any one tenant or business.
- (d) (e) One or more signs not exceeding a total of twenty (20) square feet on any one lot, may be erected on any lot in these zones giving direction to a use or uses on one or more other lots within six hundred (600) feet of such a lot. The provisions of subsection 24-209(g) shall not apply to such signs. This provision shall not be construed to permit a total sign area on such lot in excess of the maximum permitted by paragraph (a) of this section.

(e) (f) A flat wall sign may be located anywhere on any wall of a commercial or industrial building that is not abutting existing residential uses pursuant to section 24-212(a); ~~except that~~ Above the first floor, no window or part of a window shall be situated within the area, or surface area, as defined herein, of such sign, or its supporting structure, nor shall any such sign or part of such sign or its supporting structure cover any window or part of a window. No flat wall sign shall extend above the roofline or parapet wall.

(f) (g) No projecting sign or supporting structure shall project more than forty-two (42) inches from the wall of a commercial or industrial building, or be within two (2) feet of the vertical plane of any curb line, nor be less than ten (10) feet from the ground level at the base of the building. No part of the sign or supporting structure shall extend above the roofline or be located in such a manner as to cover any part of a window or obstruct light and vision of a window.

(g) (h) Marquee signs shall be allowed and may be placed on the vertical faces of a marquee which consists of a canopy or covering structure projecting from and attached to a building or may project below the lower edge of a marquee not more than twenty-four (24) inches, but the bottom of a sign placed on a marquee shall be no less than ten (10) feet above the sidewalk or grade at any point. No part of the sign shall project above the top of the vertical faces of a marquee. Signs shall not be permitted anywhere on a marquee which projects over any public right-of-way. ~~Legitimate or Movie~~





theater marquee signs shall not be computed as part of the allowable signage.

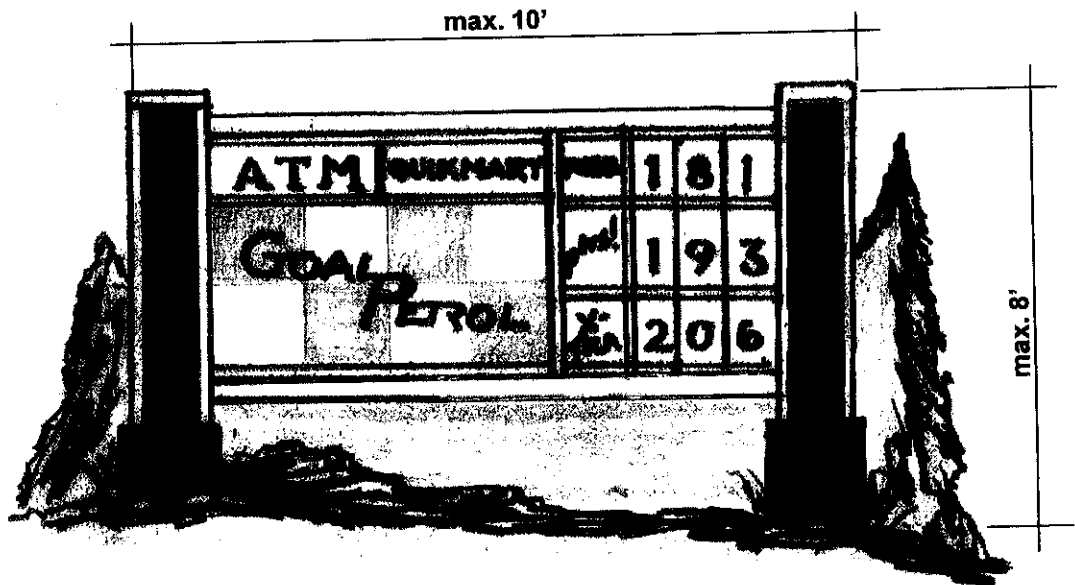
- (h) (i) From and after January 1, 1985, no sign shall be erected or constructed on the roof of any building ~~or extend above its roofline~~. For the purpose of this regulation, a roof shall be defined as the highest horizontal surface of any building, exclusive of any mechanical equipment structure on said roof. No roof signs shall be allowed on any residentially occupied structure. In the Olde Towne District, as defined in Section 24-161(a), signs which were erected prior to the effective date of this ordinance and which are non-conforming due to this provision only are not prohibited; and further, signs erected after October 9, 1990, upon ~~the recommendation of~~ approval of the City Manager or his/her designee ~~downtown review committee~~, may be erected or constructed on or above the roof of a building, or on the parapet wall if the wall extends completely around the building, or as an architectural projection above the roofline.

(i) (ii) *Service Station signs*

1. Freestanding Signs:

a. No more than one service station identification sign is permitted and said sign shall be no higher than six (6) feet in height and no greater than twenty-five (25) square feet in size. The sign must state the name of the service station and may have ancillary signage including, but not limited to, the inspection station number and additional services.

b. One monument pole sign depicting the brand of gasoline and the state pricing signage is permitted. All such signs erected or structurally altered after the effective date of this article, shall be no higher than eight (8) fifteen (15) feet and no wider than ten (10) feet; such signs erected prior to the effective date of this ordinance which are greater than eight (8) fifteen (15) feet in height



are permitted to remain unless modified in any way that requires the issuance of a permit, in which case they shall be required to conform to this ordinance. ~~not prohibited.~~ Each monument pole sign erected or structurally altered after the effective date of this article shall be no greater than sixty (60) ~~one hundred (100)~~ square feet in size; ncluding the state-required pricing signage. Only one additional monument pole sign may be permitted, if the station is located on a through lot as defined in section 24-1.

2. There shall be a maximum of five hundred square (500) feet of total signage permitted at a single service station, including signage related to brand name, pricing and any accessory uses.

3. In addition to the maximum amount of signage permitted in subsection ~~(j)(2)~~ ~~(i)(2)~~ above, one promotional banner not exceeding forty-eight (48) square feet shall be permitted at all times and can only be attached to the pump canopy and its supports, a kiosk or a station house, and must not interfere with pedestrian walkways. Section ~~24-210(p)~~ ~~24-209(c)~~ does not apply to these banners.

4. Exterior merchandise displays are prohibited except that vending machines bearing product identification shall be permitted within an enclosed area or adjacent to a building wall, and auto-related products or soft drinks only can be displayed in the vicinity of the pump islands, station house or kiosk. Section ~~24-210(c)~~ ~~24-209(c)~~ does not apply to signs on such displays. Such displays must not impede vehicular or pedestrian traffic.

5. All signs at existing service stations must conform to this ordinance within ~~five (5)~~ three years of the effective date of this ordinance (with the exception of the existing monument pole signs mentioned in section ~~24-212(b)~~ ~~24-211 (i) 1. b.~~).

~~(j)~~ (k) *Automobile dealership signs.*

1. A freestanding sign that was erected on automobile dealership property prior to the effective date of the ordinance enacting this section, and which does not conform to this article because it exceeds the number of signs allowed under subsection ~~212(a)~~, is not prohibited provided it does not exceed fifteen (15) feet in height from grade at the base of the sign. Any freestanding sign, that was erected prior to the effective date of the ordinance enacting this provision and does not conform to this article because it exceeds fifteen (15) feet in height, is permitted to remain, provided it is modified to not exceed sixteen (16) feet in height; and further provided, however, one such freestanding sign may be permitted to remain without modification, provided such sign does not exceed twenty-five (25) feet in height.

2. Additional freestanding signs may be permitted in excess of the number of signs allowed under subsection a, provided said signs comply with subsection (k) ~~(j)~~ 3.

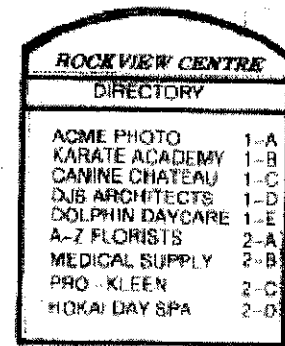
3. All applications for permits for signs to be erected, altered, refaced or moved on automobile dealership premises shall be submitted to the planning commission for review. The planning

commission may review all existing signs, excluding lawful nonconforming signs permitted under subsection (k) (j) 1., and proposed signs for compatibility with the surrounding area and for impact on the streetscape in terms of visual clutter, the planning commission may limit the height or area of the sign, may restrict the location of the sign on the premises, and may reduce the total sign area allowed under subsection a. (Ord. No. O-1-79; Ord. No. O-11-79; Ord. No. O-24-84, 12-3-84; Ord. No. O-18-90, 9-17-90)

(l) *Olde Towne Signs.* Signs located in the Olde Towne District or CBD Zone shall comply with the signage guidelines established by resolution of the Mayor and Council for that area.

(m) *Directories.* Directories listing multiple tenants of an office building, shopping center or other like building are permitted within the property and located away from the public street so as not to be visible by vehicular traffic.

(n) *Home Based Business.* The business may display one (1) non-illuminated sign or symbol at the premises, affixed to the building only. The sign shall not exceed 6" x 12" total area and cannot be erected to protrude more than two inches (2") from the building. A separate permit for such signage is required, pursuant to Section 24-213 of this code. Any home based business sign lawfully in existence on the effective date of this ordinance enacting this section which does not conform to this article shall be permitted to remain until such time as the sign is structurally altered.



NONCONFORMING SIGNS

SEC. 24-213 ~~24-212~~

Any sign lawfully in existence on the effective date of the ordinance enacting this section which does not conform to this article shall be altered to conform to said article or shall be removed not later than five (5) ~~three (3)~~ years after that effective date. ~~A freestanding sign which does not conform to this article because its height exceeds fifteen (15) feet shall not be required to be removed pursuant to this section until such time as it shall be structurally altered. (Ord. No. O-1-79; Ord. No. O-24-84, 12-3-84)~~

PERMITS; DEPOSIT; REMOVAL; ABANDONMENT AND MAINTENANCE

SEC. 24-213(A) ~~24-213~~

- (a) No sign other than an election campaign sign pursuant to subsection 24-210 (k), an interior window sign pursuant to subsection 24-210 (d), and a service station banner pursuant to subsection 24-211 (i), shall be erected or altered as to size or shape or moved to another location or refaced without a permit issued by the city manager or his designee. The city manager may seek the advice of the planning commission in connection with any application for such a permit. The city manager shall have discretion with respect to the duration of such permits and is authorized to establish conditions for the issuance thereof.
- (b) Permit submittal requirements
 - 1. Photograph of building or location of proposed sign;
 - 2. Site plan showing location of proposed sign;
 - 3. Drawing of proposed sign including all dimensions of sign face and letters; colors shown on the drawing and any specific details necessary to explain how the sign is lighted, erected, or installed.
 - 4. Elevations of the building with sign drawn on (optional); and
 - 5. Linear footage of tenant space and height of building.

- (c) If the city manager or his designee shall deny any application for such a permit or revoke or suspend a permit, the applicant may seek administrative review of such denial by the board of appeals, pursuant to the provisions of article VII of this chapter, which shall have the power to order the issuance of the permit or sustain the decision of the city manager or his designee.
- (d) No permit required pursuant to this section shall be issued without written consent of the owner or his authorized agent of the property upon which such sign is sought to be erected or other evidence of a documentary nature evidencing such consent.
- (e) Permits issued for the erection and placement of temporary signs may, by resolution of the city council, be required to be secured by cash deposit, letter of credit or bond to reimburse the city for the cost of removal of such signs where said signs are in violation of their permits, the provisions of this article or any lawful directive of the city manager with respect thereto. The provisions of this subsection (e) shall not apply to nonprofit organizations or community groups. The city manager or his designee is authorized to forfeit any deposit, letter of credit or bond upon written notice to the permittee or owner of the sign.
- (f) Signs shall be deemed abandoned and subject to an order to remove the sign directed to the sign permittee or owner of the sign by the city manager or his designee if:

- (1) Maintained on the property in excess of thirty (30) days after expiration or revocation of the sign permit for such sign; or
 - (2) Where the condition of the sign due to breakage, discoloration or lack of material components evidences abandonment; or
 - (3) The content or sign message of an on-site sign bears no relation to the business or activity conducted on-site.
 - (4) The city manager or his designee is authorized to remove said sign if there is noncompliance with an order to remove and the permittee or owner of the sign shall be liable to the city for all costs of removal.
- (g) All signs and components thereof shall be maintained in good appearance, repair and condition by the owner or permittee of the sign against breakage, material discoloration and defects in or omission of material components. Signs may be declared unsafe by the city manager or his designee and subject to removal as provided in subsection (e) of this section if, due to structural or component defects, location or operation, they constitute a danger to the health, safety and welfare of the general public or occupants or visitors to the property upon which said sign is located.

- (h) All signs shall comply with relevant requirements of the city building code, the Maryland High Voltage Line Act, and if they contain electrical components, shall additionally comply with the requirements of the city electrical code.
- (i) All signs hereafter constructed and placed on the exterior of any building or lot within the "Olde Towne District" as defined in section 24-161 of the City Code shall, in addition to all other requirements, adhere to the guidelines for new construction in said district. The height of freestanding signs in said district shall not exceed six (6) feet in height, unless approved by the planning commission. (Ord. No. O-1-79; Ord. No. O-11-79; Ord. No. O-18-82, subsection 4; Ord. No. O-24-84, 12-3-84; O-18-90, 9-17-90)

ENFORCEMENT AND PENALTIES

SEC. ~~24-213B~~ 24-213A

- (a) The city manager or his designee is hereby authorized and directed to enforce all of the provisions of this article. Responsibility for compliance with the terms and provisions of this article shall be upon the sign permittee, sign owner or the lessee, legal custodian or agents of either the sign owner or owner or lessee of any premises, structure or building containing a sign covered by the provisions of this article, or the person, company or entity which installs or erects a sign covered by the provisions of this article, and enforcement proceedings may be directed against such persons for noncompliance with the terms and provisions of this article or for noncompliance with orders issued by the city manager pertaining to this article. Upon presentation of proper credentials, the city manager or his duly authorized representative may enter, at reasonable times, any building, structure, property or premises in the city to perform any duty imposed upon him by this article.
- (b) Any person referred to in subsection (a) above may appeal any order of the city manager or his designee issued pursuant to this article to the city board of appeals, pursuant to the provisions for administrative review contained in article VII of this chapter.
- (c) Any person, firm or entity who shall violate provisions of this article shall be subject to the remedies and penalties provided in section 24-184 of this chapter or as specified in other sections of this article.

- (d) The city manager is authorized to promulgate rules, regulations and interpretations with respect to the location, erection, maintenance and removal of signs which are not inconsistent with the provisions of this article.
- (e) The city manager or his designee is authorized to order the removal of any sign not conforming to the provisions of this article or not complying with the provisions of any permit issued therefor. (Ord. No. O-24-84, 12-3-84; Ord. No. O-18-90, 9-17-90)

SIGN VARIANCES

SEC. 24-214C ~~24-213B~~

The city board of appeals is authorized to grant variances to the height and location requirements of the sign regulations contained in this article when the strict application of these regulations would result in peculiar and unusual practical difficulties to, or exceptional or undue hardships upon, the owner of the property or owner of such sign; provided, that such variance can be granted without substantial impairment of the intent, purpose and integrity of the regulations of this chapter and of the adopted and approved city master plan. This provision shall not permit the board to grant a variance allowing any prohibited sign or to grant a variance to the height of a sign which would exceed fifteen (15) feet in height above the grade of the adjoining road.

Variance proceedings shall be governed by the provisions of article VII of this chapter. The city planning commission may review and make comment and recommendations to the board on any application for variance under this provision. (Ord. No. O-24-84, 12-3-84)